

**LECHUZA VILLAS WEST L.P.
22761 Pacific Coast Hwy., Suite 260
Malibu, California 90265
(213) 456-5515**

September 19, 1991

VIA FACSIMILE

Mr. Peter Grenell
Executive Director
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612

Dear Peter:

This letter represents a request from Lechuza Villas West L.P. to the California Coastal Conservancy to accept a grant of vertical access property and both vertical and lateral access easements for the purpose of opening up the Lechuza Beach area to the public. The specific provisions of Lechuza Villas West's proposal/offer are as follows:

1. PUBLIC VERTICAL ACCESS:

- A. Applicant will offer to quitclaim the fee title interest to the State of California or other public agency designated by the Executive Director of the Coastal Commission a 10 foot wide existing beach accessway. This 10 foot wide accessway extends from Broad Beach Road seaward to Sea Level Drive. This 10 foot wide strip is designated as Lot I of Tract Map 10630. (PLEASE REFER TO EXHIBIT 'A' ATTACHED)
- B. The Applicant will cause a 10 foot wide access easement to be offered to the State of California, or other public agency as designated by the Executive Director of the California Coastal Commission; this 10 foot wide easement will extend from the 10 foot wide access referenced in "A" above seaward across Sea Level Drive and then further seaward across 140 of Tract 10630 to the Mean High Tide Line. (REFER TO EXHIBIT "A")
- C. As part of the construction work to be authorized by the requested Coastal Permit, the Applicant is agreeing to either construct all improvements to the vertical accessway requested by the California Coastal Conservancy's structural engineer or to provide the Conservancy with \$100,000 to be used for the construction of said improvements by others. (SEE EXHIBIT "B" FOR THE COASTAL CONSERVANCY'S ESTIMATE OF IMPROVEMENT COSTS) This work, or the payment of the monies, will be completed within 180 days after the Coastal Permit is issued and before any work is done on any other portion of the proposed project. In accordance

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with past cases, the applicant can only be required to give what the applicant owns or is otherwise capable of giving. Therefore, the above referenced fee title interest and public access easements will be offered subject to any claims by members of the Malibu-Encinal Homeowners Association or the Association itself.

2. PUBLIC LATERAL ACCESS:

The applicant will offer to dedicate a 65+ foot wide (average) public access easement along the ocean side portion of all 18 parcels between Lot 140 and the east half of Lot 155, inclusive; including the 150' wide Lot 140 and the four 30' wide half lots, a total of 1030± feet of lateral public access will be made available along the coastline. The easement will vary in width between 62± feet and 70± feet with an average width of 67 feet over the entire beach, including a 10 foot wide privacy buffer; the easement will run over all areas of the beach which are seaward of the approved structural stringline. (REFER TO EXHIBIT "A")

In order for the California Coastal Commission to be comfortable with our proposal, it would be desirable for a State Agency, such as the California Coastal Conservancy, to agree to accept the fee title to the 10 foot wide strip and the public access easements offered. My understanding is that this type of acceptance is precisely one of the reasons why the Coastal Conservancy was formed.

During the Coastal Commission hearing which was held on September 12, 1991 regarding applications to construct three (3) houses within the subject beach area, several Commissioners voiced their desire to condition the approval of the project so that the public access proposed would be accepted by a State Agency, improved, and actually opened to the public for a period of time before any streets and houses approved by the Coastal Commission could be constructed; the reason for this proposed sequence of events is that some of the Commissioners want to be sure that the State gets the access grant deeds, the access easements, and the improvements for the access before the Applicant gets to benefit from his proposed project. The Applicant is willing to agree to this sequence and a six (6) month time period between the time the public accessway is opened to the public and the time that the Applicant may begin construction of the streets and houses. It will be agreed that after the public access easements have been opened to the public for a six (6) month period that the Applicant may continue to complete the remaining portions of his proposed project. This proposal represents the best public access guarantee possible relative to the proposed project.

I would also like for you to comment on your willingness to permit a non-profit organization to accept the responsibility of opening/

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closing the access entrance and collecting trash as needed on a daily basis. Our intent would provide one of the following alternatives:

1. Provide the Conservancy with a grant of \$50,000.00 to be responsible for the maintenance of this public beach for 5 years.
2. Provide the County of Los Angeles a grant of \$5,000.00 to be responsible for the "maintenance" of this public beach for 5 years.
3. We would form a non-profit corporation to accept responsibility for the "maintenance" of this public beach for 5 years.

In order to make the public access a reality, however, the Applicant does need your help in terms of your written commitment that the California Coastal Conservancy will accept and/or do the following:

- A. The ownership of the 10 foot strip of property to be used for public vertical access (Lot I of Tract 10630).
- B. The 10 foot wide public vertical access over Sea Level Drive and Lot 140.
- C. The 67 foot wide and 1036 foot long public lateral access easement.
- D. Cooperate with and inspect the construction of the improvements to the vertical access or be willing to accept a \$100,000.00 grant for the improvements.
- E. Participate in establishing an acceptable entity to manage and maintain the vertical and lateral accessways for a 5 year period in accord with the alternative proposal outlined in 1,2, and 3 above.

Please review the above stated proposal and contact me as quickly as possible with your answer regarding your help and support in our efforts to open the beach area to the public. Please try to be specific relative to each item, A through E, listed above.

RECEIVED
SEP 23 1991
STATE OF CALIFORNIA
CALIFORNIA COASTAL CONSERVANCY
ADMINISTRATIVE OFFICE

Sincerely yours,

Norman R. Haynie
Norman R. Haynie
Project Representative
Lechuza Villas West, L.P.

NRH:sdp
cc: Steve Horn